

## **Petition for Discharge of Personal Representative**

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used for a petition for discharge of a personal representative pursuant to O.C.G.A. §53-7-50 or discharge of a temporary administrator pursuant to O.C.G.A. §53-7-52. A personal representative may, pursuant to O.C.G.A. §53-7-50(e), petition the court solely for discharge from office but not from all liability.
2. If the petition is filed by a personal representative, the notice to creditors and/or debtors and creditors must have been published for four weeks, and three months must have elapsed from the date of the last publication. O.C.G.A. §§53-7-41, 53-11-4.
3. In the event the decedent died intestate, Paragraph 3 requires that a definitive statement be made to show to the court that the persons named in paragraph 2 constitute all of the heirs of the decedent and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the “Heirs Determination Sheet” available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) “decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein”; (b) “decedent had no other siblings half or whole other than those listed herein”; (c) “the decedent’s brother who died previously, had no other children born, adopted, living or deceased, other than listed herein.”
4. According to Probate Court Rule 5.6 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 6 which are labeled “Court” are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
DECEASED ) PETITION FOR DISCHARGE OF  
 ) PERSONAL REPRESENTATIVE

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
as (Executor(s)) (Administrator(s)) (Temporary Administrator(s)) of the above-referenced estate, shows:

1.

Petitioner(s) (initial one):

- \_\_\_\_\_ a. has/have fully administered the estate of the decedent.
- \_\_\_\_\_ b. was/were allowed to resign without fully administering said estate.
- \_\_\_\_\_ c. has/have completely discharged all duties as temporary administrator(s).

2.

The names, age or majority status, and address of all known heirs of an intestate decedent or beneficiaries of a testate decedent, or persons who succeeded to the interest of any heir or beneficiary who died after the decedent died are:

Name	Age (or over 18)	Address	Relationship

[NOTE: If discharge is sought solely from office and not from office and all liability, STRIKE paragraphs 3. and 4. below.]

3.

Required: In the event the decedent died intestate (without a will), make a definitive statement with sufficient factual information to enable the court to conclude that all of the heirs of the decedent are included and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.) Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

4.

Of those named in paragraph 2. above, it is not necessary to notify the following heirs or beneficiaries (a) who have relieved the personal representative of all liability and as to each of whom a copy of the writing(s) granting such relief is/are attached hereto or (b) with respect to whom the personal representative has been relieved of all further liability in (a settlement of accounts)(an intermediate report)(other binding proceeding) pursuant to an order of this court dated \_\_\_\_\_ and hereby incorporated herein: \_\_\_\_\_

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5.

The following heirs or beneficiaries are represented or should be represented by a guardian (state names of heir/beneficiary and guardian, if one has already been appointed, and reason guardian needed/appointed): \_\_\_\_\_

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6.

All claims against the estate have been paid (except for the following which have not been paid for the reasons set forth below):

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7.

(initial one):

\_\_\_\_ All necessary (inventories) (and) (returns) have been filed.

\_\_\_\_ Petitioner was relieved of filing (inventories) (and) (returns).

8.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

WHEREFORE, petitioner(s)

(initial one):

\_\_\_\_\_ (a) seek(s) discharge solely from office and, therefore, pray(s) that notice issue and be published one time in the official county newspaper with copies thereof being mailed by first-class mail to the creditors named in paragraph 5. above and that an order issue discharging the petitioner(s) from office.

OR

\_\_\_\_\_ (b) seek(s) discharge from office and all liability and, therefore, pray(s) that notice issue and be served and published as required by law and that an order issue releasing and discharging the petitioner(s) from office and from all liability.

\_\_\_\_\_  
Signature of first personal representative

\_\_\_\_\_  
Signature of second personal representative, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

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Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

**ACKNOWLEDGMENT OF SERVICE AND CONSENT TO PETITION**

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ FOR DISCHARGE  
AS \_\_\_\_\_ OF THE ESTATE OF  
\_\_\_\_\_, DECEASED.

We, the undersigned, being over 18 years of age, laboring under no legal disability and being heirs or beneficiaries or unpaid purported creditors of the above-named decedent, hereby acknowledge service of a copy of the above petition and notice, waive copies of same, waive further service and notice, and hereby consent to the petition.

SIGNATURE(S) OF INTERESTED PARTIES

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

**Petition for Discharge of Personal Representative**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER  
(MOVING PARTY) UNLESS OTHERWISE  
DIRECTED BY THE COURT. SEE PROBATE  
COURT RULE 5.6 (A).**

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION FOR DISCHARGE OF
DECEASED	)	PERSONAL REPRESENTATIVE
	)	

**ORDER FOR SERVICE OF NOTICE AND  
APPOINTING GUARDIAN AD LITEM, IF APPLICABLE**

[Initial A. (discharge solely from office) or B. (discharge from office and all liability)]:

\_\_\_\_\_ A. The foregoing petition having been filed, seeking discharge solely from office, it is ordered that Notice be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before \_\_\_\_\_, 20\_\_\_\_ and that a copy of the petition and Notice be mailed by first-class mail to the creditors whose claims have not been paid as set forth in paragraph 6 of the petition.

\_\_\_\_\_ B. The foregoing petition having been filed, seeking discharge from office and all liability, it is ordered that all heirs or beneficiaries or unpaid creditors who did not acknowledge service and consent to the Petition be served as follows:

(Initial any and all of the following which apply:)

\_\_\_\_\_ Notice must be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections on the following interested parties who reside in Georgia and have not acknowledged service: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition, upon the following nonresident interested parties whose current residence addresses are known: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before \_\_\_\_\_, 20\_\_\_\_ in order to serve by publication the following interested parties whose current residence addresses are unknown or who are unknown:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (Applies in all cases unless notice is published for four weeks:) Notice must be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before \_\_\_\_\_, 20\_\_\_\_\_ which is the date on or before which any objection is required to be filed.

\_\_\_\_\_ IT IS FURTHER ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_, and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

**NOTICE**  
(For Discharge Solely from Office)

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR DISCHARGE  
FROM OFFICE AS \_\_\_\_\_ OF THE ESTATE OF  
\_\_\_\_\_, DECEASED.

TO: \_\_\_\_\_  
\_\_\_\_\_

(List all creditors who did not acknowledge service whose claims have not been paid.)  
and to whom it may concern:

This is to notify you to file objection, if there is any, to the above-referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_\_. All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by first-class mail, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to each of the following creditors at the addresses given by petitioner(s) in Paragraph 5 of the petition:

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DATE

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PROBATE CLERK/DEPUTY CLERK

**NOTICE**

(For Discharge from Office and all Liability)

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR DISCHARGE  
AS \_\_\_\_\_ OF THE ESTATE OF  
\_\_\_\_\_, DECEASED.

(Strike the following paragraph if no interested party is required to be served by publication:)

TO: \_\_\_\_\_

(List here all unknown interested parties and known interested parties having unknown addresses to be served by publication) and (all and singular the heirs of said decedent,)(the beneficiaries under the will,) and to whom it may concern:

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_\_.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_

(List here all interested parties having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after \_\_\_\_\_, 20\_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_

(List here all interested parties having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after \_\_\_\_\_, 20\_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to: \_\_\_\_\_,

(List here all interested parties who reside in Georgia to be served personally)

who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_, 20\_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
DECEASED ) PETITION FOR DISCHARGE OF  
 ) PERSONAL REPRESENTATIVE  
 )

RETURN OF SHERIFF

I have this day served \_\_\_\_\_  
personally with a copy of the foregoing petition and the notice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy Sheriff, \_\_\_\_\_ County

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to each of the following interested parties who reside out of state at known current residence addresses.

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DATE

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CLERK, PROBATE COURT

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
DECEASED ) PETITION FOR DISCHARGE OF  
 ) PERSONAL REPRESENTATIVE  
 )

ANSWER OF GUARDIAN AD LITEM

I hereby accept the foregoing appointment, acknowledge service and notice of the proceedings as provided by law, and for answer say:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
GUARDIAN AD LITEM  
ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
TELEPHONE: \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

<b>IN RE: ESTATE OF</b>  _____, <b>DECEASED</b>	) ) ) )	<b>ESTATE NO.</b> _____  <b>PETITION FOR DISCHARGE</b> <b>OF PERSONAL REPRESENTATIVE</b>
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**FINAL ORDER**

The foregoing petition for discharge of \_\_\_\_\_ as \_\_\_\_\_ was duly filed in this Court, notice was duly issued, served and published as required by law, and it appears that the petitioner(s) is/are legally entitled to discharge and no objection has been filed. Therefore,

IT IS ORDERED that petitioner(s) be, and is/are hereby, discharged

(initial one:)

\_\_\_\_\_ a. solely from office

\_\_\_\_\_ b. from office and all liability.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge